

---

---

**UNITED STATES DISTRICT COURT****EASTERN DISTRICT OF TEXAS**

---

---

FLORENCIO HERNANDEZ,

Plaintiff,

*versus*

STATE OF TEXAS, ET AL.,

Defendant.

§  
§  
§  
§  
§  
§  
§  
§

CIVIL ACTION NO. 1:09-CV-55

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff, Florencio Hernandez, an inmate currently confined at the Hughes Unit in Gatesville, Texas, filed this civil rights action pursuant to 42 U.S.C. § 1983 against defendants Alton Alexander, Captain Felix Gordon, Warden Joe M. Smith, Sergeant Milton Gilmore, the State of Texas, TDCJ-CID, Mark Bowers, Ms. Griffin, Ms. Jones, Sergeant Smith, and Sergeant Holliday.


The Court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends defendants' Rule 4(m) motion to dismiss be granted as to the following defendants: the State of Texas, TDCJ-CID, Mark Bowers, Ms. Griffin, Ms. Jones, Sergeant Smith, and Sergeant Holliday.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, and pleadings. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties. Plaintiff has failed to show good cause for failing to serve these defendants.

## ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. A partial judgment will be entered in this case in accordance with the Magistrate Judge's recommendation.

SIGNED at Beaumont, Texas, this 25th day of April, 2012.

A handwritten signature in cursive script, reading "Marcia A. Crone".

---

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE